

104<sup>TH</sup> CONGRESS  
1<sup>ST</sup> SESSION

# S. 431

To amend the Magnuson Fishery Conservation and Management Act to authorize the Secretary of Commerce to prepare fishery management plans and amendments to fishery management plans under negotiated rule-making procedures, and for other purposes.

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## IN THE SENATE OF THE UNITED STATES

FEBRUARY 16 (legislative day, JANUARY 30), 1995

Ms. SNOWE introduced the following bill; which was read twice and referred to the Committee on Commerce, Science, and Transportation

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## A BILL

To amend the Magnuson Fishery Conservation and Management Act to authorize the Secretary of Commerce to prepare fishery management plans and amendments to fishery management plans under negotiated rulemaking procedures, and for other purposes.

1       *Be it enacted by the Senate and House of Representa-*  
2       *tives of the United States of America in Congress assembled,*

1 **SECTION 1. AUTHORITY TO PREPARE FISHERY MANAGE-**  
2 **MENT PLANS AND AMENDMENTS UNDER NE-**  
3 **GOTIATED RULEMAKING PROCEDURES.**

4 (a) AUTHORITY.—Section 304(c) of the Magnuson  
5 Fishery Conservation and Management Act (16 U.S.C.  
6 1854(c)) is amended—

7 (1) in paragraph (1), by adding at the end the  
8 following new flush sentence:

9 “In addition to exercising the authority granted to the  
10 Secretary under this paragraph, the Secretary may, with-  
11 out regard to whether a Council has prepared a fishery  
12 management plan or amendment, prepare a fishery man-  
13 agement plan or amendment and issue proposed regula-  
14 tions in accordance with paragraph (4).”; and

15 (2) by adding at the end the following new  
16 paragraph:

17 “(4)(A) The Secretary may, pursuant to the proce-  
18 dures for negotiated rulemaking established by subchapter  
19 III of chapter 5 of title 5, United States Code—

20 “(i) prepare a fishery management plan with  
21 respect to any fishery, or any amendment to any  
22 such fishery management plan; and

23 “(ii) issue such proposed regulations as the Sec-  
24 retary determines are necessary or appropriate to  
25 carry out a fishery management plan or amendment  
26 prepared under clause (i).

1 “(B) A fishery management plan or amendment pre-  
2 pared by the Secretary pursuant to subparagraph (A)  
3 shall be prepared—

4 “(i) in accordance with—

5 “(I) the national standards described in  
6 section 301(a);

7 “(II) any other applicable provision of this  
8 Act (other than paragraph (1)); and

9 “(III) any other applicable law; and

10 “(ii) in consultation with—

11 “(I) the Secretary of State, with respect to  
12 foreign fishing; and

13 “(II) the Secretary of the department in  
14 which the Coast Guard is operating, with re-  
15 spect to enforcement at sea.”.

16 (b) CONFORMING AMENDMENT.—Paragraphs (2)(A)  
17 and (3) of section 304(c) of the Magnuson Fishery Con-  
18 servation and Management Act (16 U.S.C. 1854(c)) are  
19 each amended by striking “paragraph (1)” each place it  
20 appears and inserting “this subsection”.

